Dear Mr. Fulton:

Thank you for your correspondence of February 13, 2006, requesting the addition of oseltamivir phosphate: Capsule, 75mg; Powder for oral suspension, 12mg/mL, to the list of pharmaceutical products eligible for compulsory licensing for export set out in Schedule I of the Patent Act.

Health Canada, in collaboration with Industry Canada, will review your request and will give it priority consideration in keeping with the humanitarian principles of Canada’s Access to Medicines Regime. As you may be aware, if a decision is made to propose the addition of oseltamivir phosphate to Schedule I of the Patent Act, the amendment will be handled through the Canada Gazette process.

Please note that, should a decision be made to propose the addition of oseltamivir phosphate to Schedule I of the Patent Act, Government of Canada Regulatory Policy requires that federal departments and agencies demonstrate that Canadians have been consulted, and that they have had an opportunity to participate in developing or modifying regulations and regulatory programmes.

Prepublication in the Canada Gazette, Part I, will be followed by an appropriate consultation period, during which time the public and stakeholders may provide their views on the proposed amendment. The consultation period will provide any interested groups and individuals an opportunity to review and comment on a proposed regulation at the last stages of the regulation-making process, before it is enacted and published in Part II of the Canada Gazette.
Again, thank you for writing. I appreciate the opportunity to respond to your concerns.

Yours sincerely,

Tony Clement

c.c. The Honourable Maxime Bernier, P.C., M.P.